



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,816	01/17/2006	Garry Brereton	60130-2474	5816
26/096 7590 10/14/2009 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER WILHELM, TIMOTHY	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 10/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,816

Applicant(s)

BRERETON ET AL.

Examiner

Timothy D. Wilhelm

Art Unit

3616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 37-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15 and 37-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 7/8/2009, PROSECUTION IS HEREBY REOPENED. New rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,4-8,12,13,37-39, and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (6,491,314) in view of Pierce (5,203,585). Smith discloses a suspension trailing arm 518 for a vehicle comprising an integral axle locating formation 542 that fully encircles an axle 524 of a vehicle, a chassis mounting formation 552, and an integral damper mounting formation 528 for a shock absorber 522, wherein the trailing arm 518 is formed of a first section and a second section, said first section including a first portion 544 of the axle locating formation 542 and the chassis mounting formation 552 and said second section includes a second portion 548 of the axle locating formation 542 and a convex portion for supporting a bracket 519 for mounting a spring 520, and wherein the first and second portions 544,548 of the axle locating formation 542 are welded to each other at weld spots 590 directly above and below the axle 524. Smith discloses the present invention except for the trailing arm being cast or forged and the portion of the trailing arm between the axle locating formation and chassis connection portion being I-Shaped, though Smith does disclose casting or forging certain portions of the trailing arms of the many embodiments of Smith. Pierce teaches a trailing arm for a vehicle suspension system comprising an axle locating formation 64, a chassis mounting formation 38, and a substantial C-Shaped portion of the trailing arm 46 that extends between the axle locating formation and the chassis mounting formation, wherein said trailing arm may be formed as a forged steel beam or alternatively may be cast from a suitable cast steel (column 3, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the trailing arm of Smith with the teaching of Pierce

such that the trailing arm is either cast or forged with the portion extending between the chassis mounting formation and the axle locating formation being substantially C-Shaped to better ensure a high strength of the trailing arm (column 1, lines 45-53).

4. Claims 9,14,15,49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and Pierce, as applied to claims 1,4-7,12, and 43-48 above, and further in view of Chalin et al (7,007,960). Smith and Pierce disclose the present invention except for a window aperture formed in the axle locating formation. Chalin discloses a C-Shaped trailing arm comprising an axle locating formation 32 having window apertures 40 in the front and back of said formation through which the axle locating formation 32 is welded to the axle 12 of the vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the axle locating formation of Smith and Pierce with the teaching of Chalin's window apertures to connect the arm to the axle without welds being positioned in high stress areas (column 1, lines 32-39).

5. Claims 3,10,11,40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and Pierce as applied to claims 1,4-7,12, and 43-48 above. Frey discloses the claimed invention except for a thickness of the suspension trailing arm being a certain specified thickness or the bending strength of the trailing arm being greater in certain areas. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a thickness of the suspension trailing arm to be a certain thickness or make the bending strength of the trailing arm greater in certain areas, since it has been held that where the general conditions of a claim are

Art Unit: 3616

disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Response to Arguments

6. Applicant's arguments with respect to claims 1-15 and 37-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Timothy D Wilhelm
Examiner
Art Unit 3616

/Timothy D Wilhelm/
October 12, 2009

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616